

1 Now, once you have achieved the Constitutional
2 right and this is a recognition of it in the Constitution,
3 it seems to me that it is a small concession to say that
4 the legislature can adjust the right, can adjust it.

5 THE CHAIRMAN: Does any delegate want to
6 speak in opposition?

7 Delegate Scanlan.

8 DELEGATE SCANLAN: I must oppose it. The
9 necessity for it emphasizes the lack of wisdom in
10 enacted Amendment 21. You have cast into the Constitution
11 the right to organize, a right which has always been
12 statutory; take the right to bargain collectively in the
13 Wagner Act.

14 It is a fundamental statutory right, but
15 since it was in the statute and not the Constitution,
16 the Congress was not precluded in the Taft Hartly Act
17 and some others that have followed in laying down restric-
18 tions upon carrying that right to the enth power.

19 Unlike freedom of assembly, freedom of religion,
20 the right to bargain collectively must be limited in
21 some respects and on many occasions. Delegate Sickles